

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-2503

EASTERN ASSOCIATED COAL CORPORATION; CHARLES
COAL COMPANY, joint venturers on behalf of
COLONY BAY COMPANY,

Plaintiffs - Appellants,

versus

DISTRICT 17, UNITED MINE WORKERS OF AMERICA;
LOCAL UNION NO. 9177, UNITED MINE WORKERS OF
AMERICA,

Defendants - Appellees.

Appeal from the United States District Court for the Southern
District of West Virginia, at Charleston. Joseph Robert Goodwin,
District Judge. (CA-03-2430)

Submitted: July 25, 2005

Decided: August 16, 2005

Before MOTZ, TRAXLER, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Albert F. Sebok, Brian J. Moore, JACKSON KELLY, PLLC, Charleston,
West Virginia, for Appellants. Deborah Stern, Associate General
Counsel, Fairfax, Virginia; Charles F. Donnelly, DONNELLY &
CARBONE, P.L.L.C., Charleston, West Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Eastern Associated Coal Corporation and Charles Coal Company, on behalf of Colony Bay Company (hereinafter collectively "Company"), filed suit in the district court against District 17, United Mine Workers of America, and Local Union No. 9177, United Mine Workers of America (hereinafter collectively "Union"), seeking to vacate an arbitration award issued in favor of the Union. The district court granted summary judgment for the Union. We do not find that the district court erred by concluding that the arbitrator's decision was based upon the collective bargaining agreement. See United Paperworkers Int'l Union v. Misco, Inc., 484 U.S. 29, 38 (1987) (stating review standard); Island Creek Coal Co. v. Dist. 28, United Mine Workers of Am., 29 F.3d 126, 129 (4th Cir. 1994) (same). Accordingly, we affirm for the reasons stated by the district court. See E. Assoc. Coal Corp. v. Dist. 17, United Mine Workers of Am., No. CA-03-2430 (S.D. W. Va. Nov. 5, 2004). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED